

County of Santa Clara

Office of the Sheriff

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MEMORANDUM

Laurie Smith
Sheriff

TO: Laurie Smith, Sheriff

FROM: Captain David Sepulveda
Lieutenant Joseph Nguyen

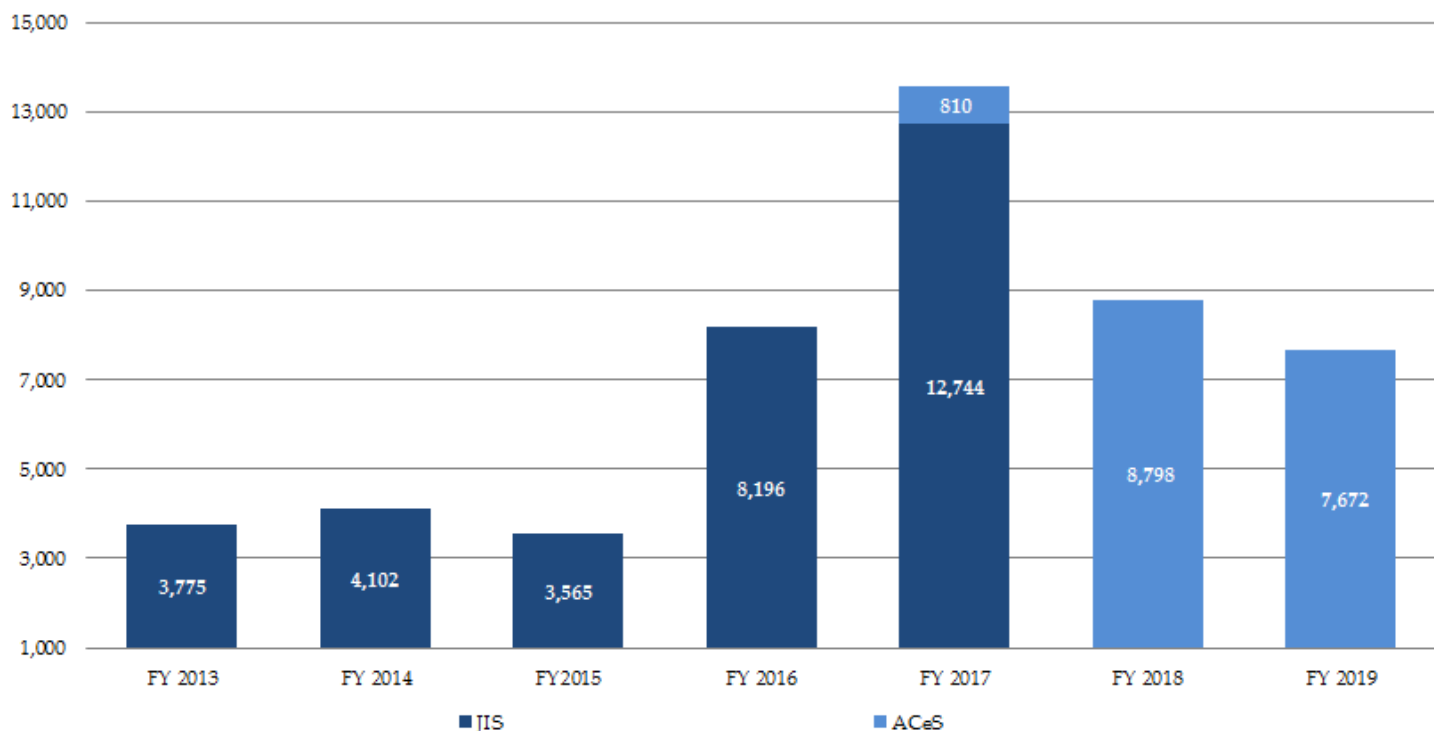
DATE: August 28, 2019

SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
January 01, 2019 through June 30, 2019

The Office of the Sheriff's Custody Bureau has experienced significant changes under the leadership of Sheriff Laurie Smith. With the commitment to improve the jail environment for both inmates and staff, Sheriff Smith initiated the Jail Reform Plan in 2016 which detailed recommendations and identified key areas for improvement. Of those recommendations, one was to implement a transparent inmate grievance process and an updated grievance tracking system. Approximately 43,000 people are booked into Santa Clara County Jail annually, therefore a safe, secure, and easy to understand grievance process was necessary in order to document grievances about the actions or inactions of staff, facilities, and operations in the custody setting.

The ACeS Inmate and Grievance Appeal Tracking System (ACeS) was implemented on June 05, 2017 to not only electronically document all inmate complaints, but also to highlight areas of opportunity for improvements in the jails through statistical analysis and review. The Grievance Unit provides data analysis to all division leaders, business unit managers, and the public through the Monthly Grievance Dashboard. These reports are available on the [Sheriff's Jail Reforms Page](#). The statistics on the following pages summarize all inmate grievance submissions for Fiscal Year 2019 by analyzing grievance volume, category rankings, timeliness of responses, and the percentage of dispositions appealed. Though the initial bi-annual report was labeled as Fiscal Year data, it was calendar years statistics. The data in *Figure 1* has been redone to correctly reflect Fiscal Year statistics, which will be the standard moving forward.

Figure 1
Annual Inmate Submission Totals
Seven year Statistics
Fiscal Year 2013 through 2019



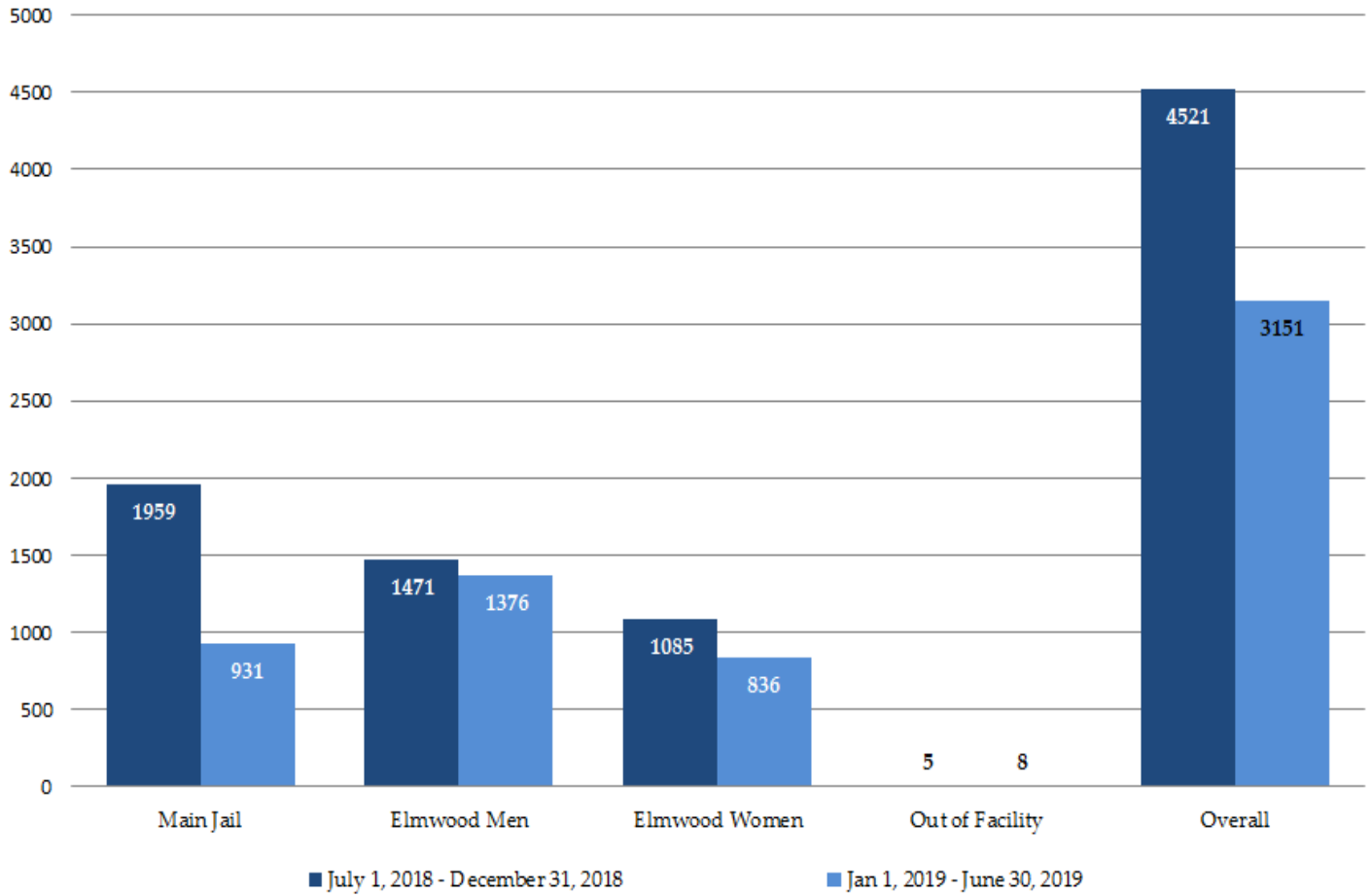
Historical Grievance Volume Compared to Current

The chart above, *Figure 1*, compares the total grievance submissions for the last seven years. Prior to the ACeS System on June 5, 2017, inmate grievances were entered into an antiquated Jail Information System (JIS). With ACeS, the Grievance Unit is able to extract management and trend data and reports as needed for further audit and review; which has made data entry into JIS completely obsolete for grievances.

As previously stated in past reports, the two categories, “Inmate Requests” and “Positive Comments” have been omitted from overall statistics, since they are not considered grievances. Since JIS is outdated and not able to produce statistical reports like the improved ACeS System, all statistics after June 5, 2017 (indicated in light blue) have been adjusted to remove the two categories from the submission totals. Since the Sheriff initiated her Jail Reform Plan in 2016, the Office of the Sheriff (Office) has measured a 43% decrease in inmate grievance compared to two years ago at this time.

Figure 2

Grievance Submissions by Facility July 1, 2018 - June 30, 2019



Inmate Grievance Volume by Facility

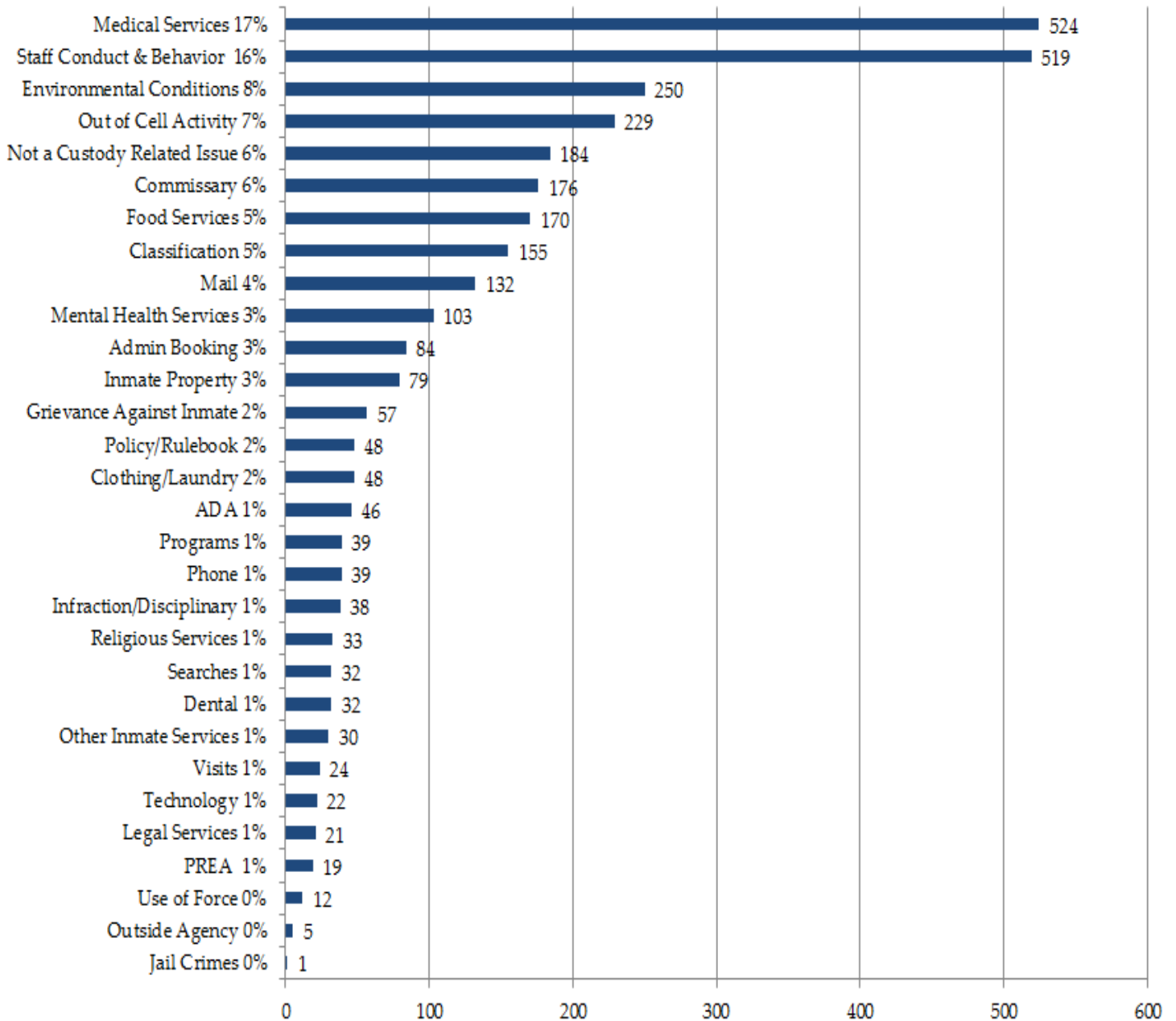
The chart above, *Figure 2*, depicts the distribution of all grievances for Fiscal Year 2019 by their respective facility. *Figure 2* illustrates the relation between the beginning of the fiscal year, to the downtrend of the end of Fiscal Year 2019.

Individually, each jail facility recognized a reduction in grievance submissions during the last six month period. The Elmwood Men’s Facility declined by 6.5%, the Elmwood Women’s Facility declined by 23%, and the Main Jail Facility significantly declined by 52.5%. Overall, all inmate grievance submissions collectively decreased by 30%.

Figure 3

Grievance Totals By Category
Jan 1, 2019 through June 30, 2019

3151 Grievances Total

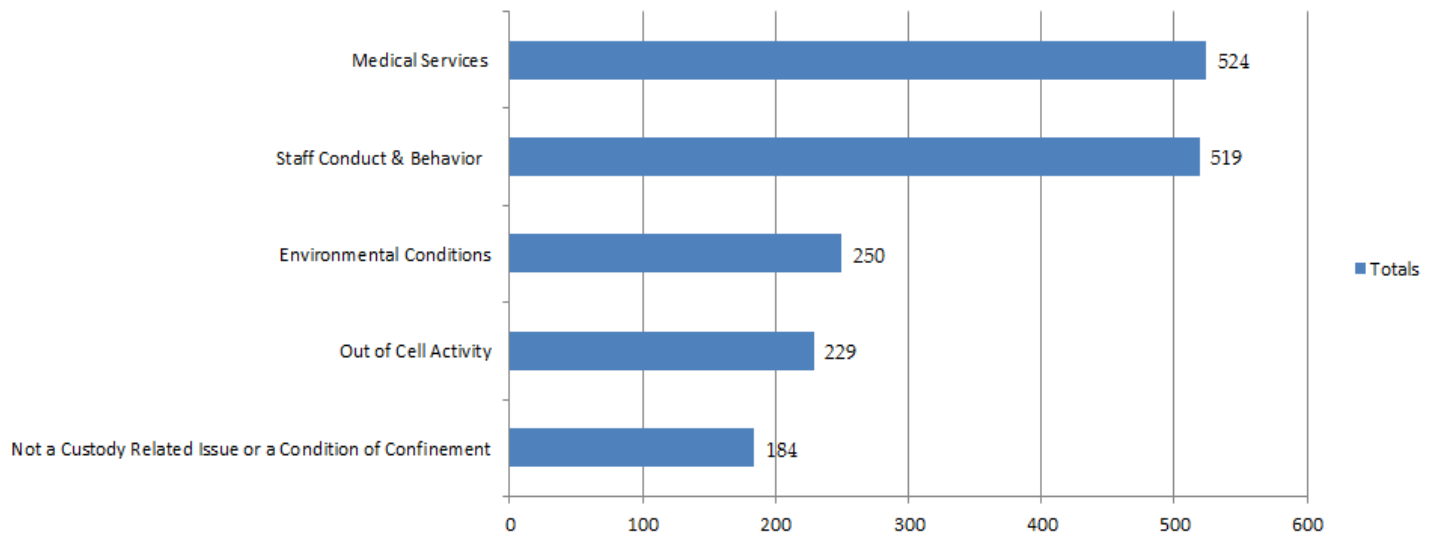


Inmate Grievance Volume By Category (Please refer to "Figure 3" on the previous page)

The Grievance System allows inmates the ability to confidently voice their concerns about a jail policy, practice, rule, or condition that directly affects them. When inmates submit non-complaint related grievances, the Grievance Unit carefully analyzes the content to see if it is either an "Inmate Request" for services or "Positive Comments" for staff. These two categories account for an additional 1,464 or 47% of submissions that were routed via ACeS. Even though the Grievance Unit formally tracks the requests and relays the positive comments to their respective divisions, these two categories are not considered grievances and are omitted from the overall statistics utilized in Grievance Unit reports.

It is important to note that by excluding the two non-grievance categories mentioned above, the Top Five Grievance Categories total 1,706 grievances, or 54% of the total grievance submissions, for the second half of Fiscal Year 2019. The top five grievance categories are:

January 1, 2019 through June 30, 2019
Top Five Grievance Categories



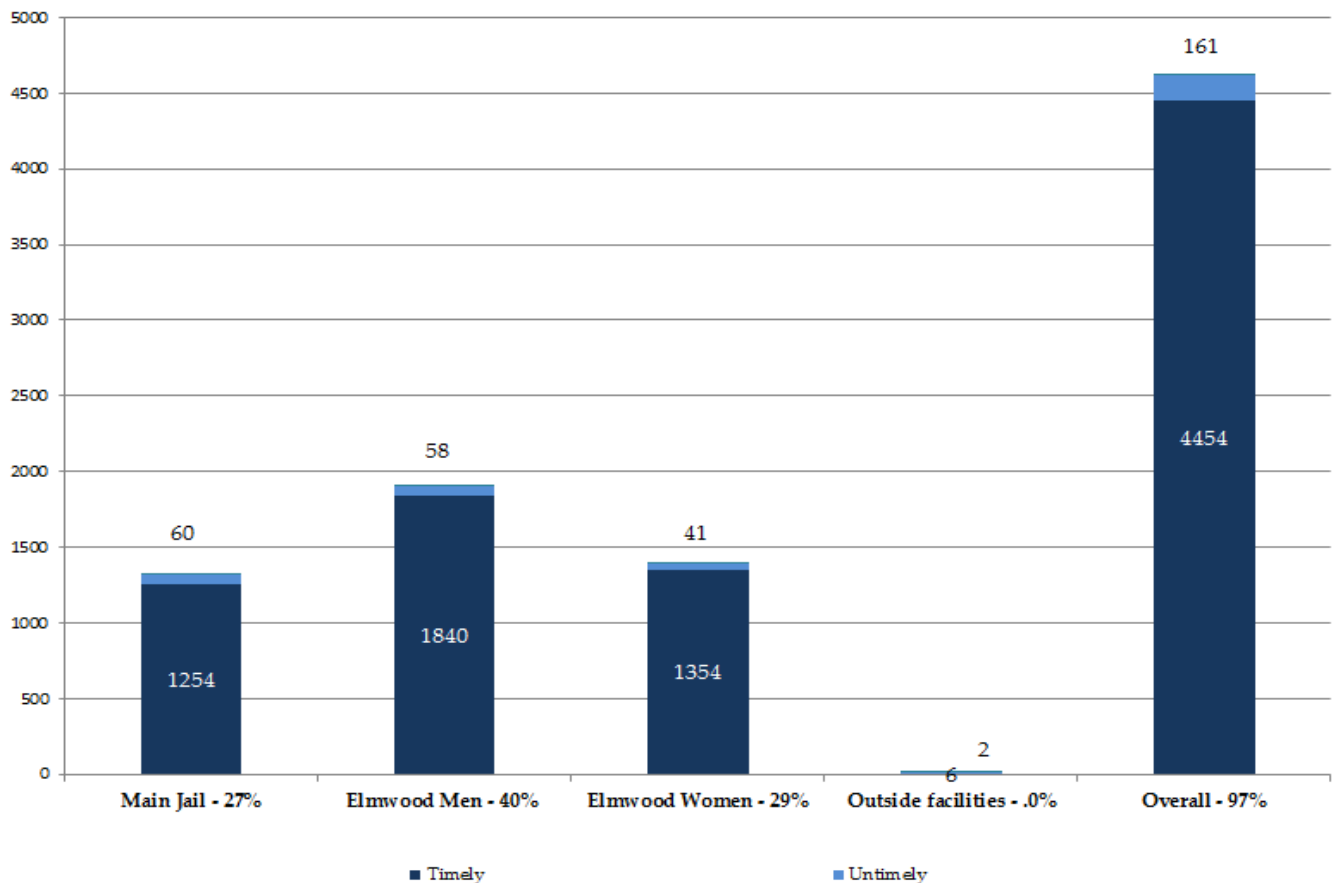
Although the "Medical Services" category experienced a 22% decrease in grievance submissions, it has replaced the "Staff Conduct and Behavior" category as the most frequently grieved category with 524 grievances for the last 6 months. Since the last bi-annual report, the Grievance Unit performed an in-depth analysis of all "Staff Conduct and Behavior" grievances for the first half of Fiscal Year 2019.

“Staff Conduct” grievances can be submitted in reference to any County employee, contractor, or volunteer assigned to the jail system. Therefore, an analysis was provided to all Business Unit Supervisors and Division Commanders for review and action. As a result, the “Staff Conduct and Behavior” category had a significant reduction of 45% when comparing the first half of the fiscal year to the second half.

Although the “Positive Comments” category was removed as a reportable inmate grievance category, it is important to note that during the last 6 months, 435 “Positive Comments” were submitted by inmates regarding staff, making this category the third most submitted category; just under the “Staff Conduct” category which had 519 submissions. Through continued training coaching, and staff development, the Office has made many positive strides to reduce the gap between these two important categories.

Figure 4

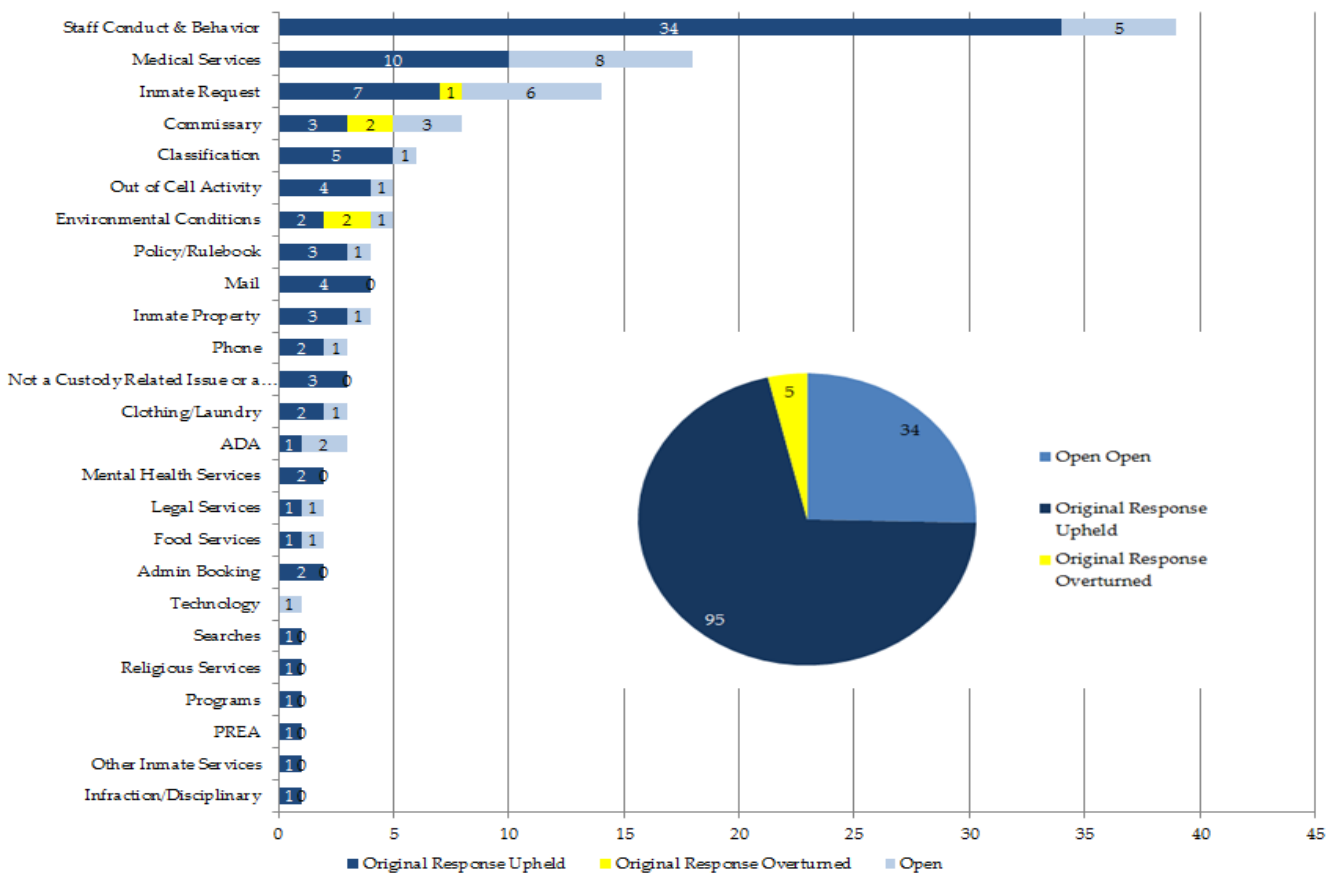
**Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
January 1 through June 30, 2019**



Grievance Response Timeliness (Please refer to "Figure 4" on the previous page)

Figure 4 highlights all grievances tracked through ACeS, up to and including "Inmate Requests" and "Positive Comments." Although those two categories are not considered true grievances, the Grievance Unit continues to collect, process and track all submissions from inmates. Once entered into ACeS, the Office has an objective to respond to all grievances meaningfully within 30 days. Some grievances necessitate further investigative measures in order to provide a resolution for the inmate. Thus, the 100% timeliness objective is not able to be achieved. For the second half of Fiscal Year 2019, 97% of all submitted grievances were answered and returned back to the inmate within 30 days of their submission date; yielding the highest timeliness rate since the adoption of the ACeS System in June 2017.

Figure 6
Grievance Appeal Dispositions
Original Response Upheld vs Original Response Overturned
by Category
134 Appeals
January 01 through June 30, 2019



Grievance Appeals (Please refer to “Figure 6” on the previous page)

The Grievance Appeal process allows an inmate the opportunity to contest the original disposition of a grievance. Inmates are allowed one appeal per grievance and it must be submitted within 30 calendar days of receiving the disposition letter. Once entered into ACeS, management from each Custody Division or Business Unit evaluates the original grievance to ensure a meaningful resolution was achieved.

Figure 6 displays all Grievance Appeals for the last six months. Out of 3,151 submitted grievances, 134 or 4.3% of all dispositions, were challenged by the inmate. Since ACeS was adopted in 2017, the percentage of appeals to grievances has not been higher than 5.5%, and this half of the fiscal year has yielded the lowest number of total appeals recorded by the Grievance Unit.

Conclusion

Many positive changes have been made since the Sheriff initiated her Jail Reform Plan which works in conjunction with the changes outlined in the consent decree Remedial Plan. Three years post implementation, the Office continues to meet the objective of improving and strengthening the Inmate Grievance Process. Overall, the amount of grievance submissions has been declining consistently during the last three years and our timeliness objective has been improving. As such, the Office continues to improve on both the quality and punctuality grievance responses.

The most positive and impactful statistic observed during the last six months was the reduction of grievances in the “Staff Conduct and Behavior” category. After the Grievance Unit provided the business units with its assessment of this category, which analyzed each grievance and provided insight for each Division to help set goals and reduce grievance submissions, the Office saw immediate changes. The Office is committed to providing improved services to the inmate population, and, with increased credibility, the Grievance Unit will continue to be the liaison between the inmate population and staff supporting custody operations.

CC: Rick Sung, Undersheriff
Eric Taylor, Assistant Sheriff
Kenneth Binder, Assistant Sheriff
Mike Doty, Assistant Sheriff
Timothy Davis, Captain, Elmwood Division
Thomas Duran, Captain, Support Services Division

Christopher Grumbos, Captain, Personnel Unit
Blanca Hoyt, Captain, Main Jail Division
Frank Zacharisen, Captain, Administrative Services Division
All Support Unit Managers
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